

# House File 447 - Introduced

HOUSE FILE \_\_\_\_\_  
BY PETTENGILL, WHITAKER, DANDEKAR,  
BERRY, SWAIM, HEDDENS, and  
SCHUELLER

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act concerning disclosures of information by state employees  
2 to a member or employee of the general assembly.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1151HH 82  
5 ec/je/5

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1 1 Section 1. Section 8A.417, subsection 4, Code 2007, is  
1 2 amended to read as follows:  
1 3 4. A person shall not discharge an employee from or take  
1 4 or fail to take action regarding an employee's appointment or  
1 5 proposed appointment to, promotion or proposed promotion to,  
1 6 or any advantage in, a position in a merit system administered  
1 7 by, or subject to approval of, the director as a reprisal for  
1 8 making a disclosure of information permitted by this section  
1 9 or for a failure by that employee to inform the person that  
1 10 the employee made a disclosure of information permitted by  
1 11 this section, or for a disclosure of any information by that  
1 12 employee to a member or employee of the general assembly, or  
1 13 for a disclosure of information to any other public official  
1 14 or law enforcement agency if the employee reasonably believes  
1 15 the information evidences a violation of law or rule,  
1 16 mismanagement, a gross abuse of funds, an abuse of authority,  
1 17 or a substantial and specific danger to public health or  
1 18 safety. However, an employee may be required to inform the  
1 19 person that the employee made a disclosure of information  
1 20 permitted by this section if the employee represented that the  
1 21 disclosure was the official position of the employee's  
1 22 immediate supervisor or employer. This subsection does not  
1 23 apply if the disclosure of the information is prohibited by  
1 24 statute. For purposes of this subsection, "a disclosure of  
1 25 information permitted by this section" includes any of the  
1 26 following:  
1 27 a. A disclosure of any information by that employee to a  
1 28 member or employee of the general assembly if the information  
1 29 can be used by the member or employee of the general assembly  
1 30 in the performance of the member's or employee's duties,  
1 31 regardless of whether the member or employee requested the  
1 32 information.  
1 33 b. A disclosure of information to any other public  
1 34 official or law enforcement agency if the employee reasonably  
1 35 believes the information evidences a violation of law or rule,  
2 1 mismanagement, a gross abuse of funds, an abuse of authority,  
2 2 or a substantial and specific danger to public health or  
2 3 safety.  
2 4 Sec. 2. Section 70A.28, subsections 1 and 2, Code 2007,  
2 5 are amended to read as follows:  
2 6 1. A person who serves as the head of a state department  
2 7 or agency or otherwise serves in a supervisory capacity within  
2 8 the executive or legislative branch of state government shall  
2 9 not prohibit an employee of the state from making a disclosure  
2 10 of information permitted by this section or require an  
2 11 employee of the state to inform the person that the employee  
2 12 made a disclosure of information permitted by this section and  
2 13 shall not prohibit an employee of the state from disclosing  
2 14 any information to a member or employee of the general  
2 15 assembly or from disclosing information to any other public  
2 16 official or law enforcement agency if the employee reasonably  
2 17 believes the information evidences a violation of law or rule,  
2 18 mismanagement, a gross abuse of funds, an abuse of authority,

2 19 or a substantial and specific danger to public health or  
2 20 ~~safety~~. However, an employee may be required to inform the  
2 21 person that the employee made a disclosure of information  
2 22 permitted by this section if the employee represented that the  
2 23 disclosure was the official position of the employee's  
2 24 immediate supervisor or employer.

2 25 2. A person shall not discharge an employee from or take  
2 26 or fail to take action regarding an employee's appointment or  
2 27 proposed appointment to, promotion or proposed promotion to,  
2 28 or any advantage in, a position in a state employment system  
2 29 administered by, or subject to approval of, a state agency as  
2 30 a reprisal ~~for making a disclosure of information permitted by~~  
2 31 ~~this section or for a failure by that employee to inform the~~  
2 32 ~~person that the employee made a disclosure of information~~  
2 33 ~~permitted by this section, or for a disclosure of any~~  
2 34 ~~information by that employee to a member or employee of the~~  
2 35 ~~general assembly, a disclosure of information to the office of~~  
3 1 ~~citizens' aide, or a disclosure of information to any other~~  
3 2 ~~public official or law enforcement agency if the employee~~  
3 3 ~~reasonably believes the information evidences a violation of~~  
3 4 ~~law or rule, mismanagement, a gross abuse of funds, an abuse~~  
3 5 ~~of authority, or a substantial and specific danger to public~~  
3 6 ~~health or safety~~. However, an employee may be required to  
3 7 inform the person that the employee made a disclosure of  
3 8 information permitted by this section if the employee  
3 9 represented that the disclosure was the official position of  
3 10 the employee's immediate supervisor or employer.

3 11 2A. ~~For purposes of this section, "a disclosure of~~  
3 12 ~~information permitted by this section" includes any of the~~  
3 13 ~~following:~~

3 14 a. ~~A disclosure of any information by that employee to a~~  
3 15 ~~member or employee of the general assembly if the information~~  
3 16 ~~can be used by the member or employee of the general assembly~~  
3 17 ~~in the performance of the member's or employee's duties,~~  
3 18 ~~regardless of whether the member or employee requested the~~  
3 19 ~~information.~~

3 20 b. ~~A disclosure of information to the office of citizens'~~  
3 21 ~~aide or to any other public official or law enforcement agency~~  
3 22 ~~if the employee reasonably believes the information evidences~~  
3 23 ~~a violation of law or rule, mismanagement, a gross abuse of~~  
3 24 ~~funds, an abuse of authority, or a substantial and specific~~  
3 25 ~~danger to public health or safety.~~

3 26 Sec. 3. Section 70A.29, subsection 1, Code 2007, is  
3 27 amended to read as follows:

3 28 1. A person shall not discharge an employee from or take  
3 29 or fail to take action regarding an employee's appointment or  
3 30 proposed appointment to, promotion or proposed promotion to,  
3 31 or any advantage in, a position in employment by a political  
3 32 subdivision of this state as a reprisal for a disclosure of  
3 33 ~~any information by that employee to a member or employee of~~  
3 34 ~~the general assembly, or an official of that political~~  
3 35 ~~subdivision or a state official or for a disclosure of~~  
4 1 ~~information to any other public official or law enforcement~~  
4 2 ~~agency if the employee reasonably believes the information~~  
4 3 ~~evidences a violation of law or rule, mismanagement, a gross~~  
4 4 ~~abuse of funds, an abuse of authority, or a substantial and~~  
4 5 ~~specific danger to public health or safety permitted by this~~  
4 6 ~~section. This section does not apply if the disclosure of the~~  
4 7 ~~information is prohibited by statute. For purposes of this~~  
4 8 ~~subsection, "a disclosure of information permitted by this~~  
4 9 ~~section" includes any of the following:~~

4 10 a. ~~A disclosure of any information by that employee to a~~  
4 11 ~~member or employee of the general assembly if the information~~  
4 12 ~~can be used by the member or employee of the general assembly~~  
4 13 ~~in the performance of the member's or employee's duties,~~  
4 14 ~~regardless of whether the member or employee requested the~~  
4 15 ~~information.~~

4 16 b. ~~A disclosure of information to any other public~~  
4 17 ~~official or law enforcement agency if the employee reasonably~~  
4 18 ~~believes the information evidences a violation of law or rule,~~  
4 19 ~~mismanagement, a gross abuse of funds, an abuse of authority,~~  
4 20 ~~or a substantial and specific danger to public health or~~  
4 21 ~~safety.~~

#### 4 22 EXPLANATION

4 23 This bill prohibits a person from taking adverse personnel  
4 24 action against a state employee who discloses any information  
4 25 to a member or employee of the general assembly if the  
4 26 information can be used by the member or employee in the  
4 27 performance of the member's or employee's duties, regardless  
4 28 of whether the member or employee requested the information.  
4 29 LSB 1151HH 82

